

Forwarded on:

MAR 14 2003

by Council Liaison's Office

## Memorandum

**TO:** Chuck Reed

**FROM:** Del D. Borgsdorf

**SUBJECT: QUESTIONS ABOUT SAMPLE  
RESOLUTION ON WAR IN IRAQ**

**DATE:** March 14, 2003


I am in receipt of your memo regarding the March 18, 2003 Council Agenda, Item 3.4. You raise several valid questions regarding the Human Rights Commissions' proposed resolution that the Administration does not have the expertise readily available to provide responses.

I would like to share with you language from Council Policy 0-11, "Council Resolution Policy," which states:

*It is further the policy of the Council of the City of San Jose that it shall not act or take a position on:*

- 1. Matters concerning the foreign policy of the United States of America nor its relationship to other countries of the world except at the expressed request of an elected official of the federal government or an authorized representative of a department or agency of the federal government, except those matters directly affecting the City and citizenry of San Jose.*

The purpose of this policy is to provide guidelines for the City Council to respond to requests for action that are not directly a municipal matter. I have attached a copy of the Council Policy for your reference. Please call if you have additional comments.

  
Del D. Borgsdorf  
City Manager

Attachment

CC: Mayor  
City Council

*City of San Jose, California*

**COUNCIL POLICY**

TITLE COUNCIL RESOLUTION POLICY	PAGE 1 of 2	POLICY NUMBER 0-11
	EFFECTIVE DATE 7-10-79	REVISED DATE
APPROVED BY Council Action July 10, 1979, Item 11d		

BACKGROUND

The City Council is sometimes requested to take action on matters which lie outside the scope of its jurisdiction. There being better and more appropriate avenues of communication between citizens and other governmental entities, the City Council desires to restrict its own deliberations to problems which most immediately affect the government of the City of San Jose.

PURPOSE

To provide guidelines for the City Council upon its receipt of a request for action which is not a directly municipal matter.

POLICY

Fully realizing and supporting the fundamental right of every citizen of this city to make views and opinions known to all persons in any branch of the federal, state, county or city government, it is the policy of the Council of the City of San Jose that its actions be restricted to issues which most directly impact and affect the City of San Jose.

The Council is compelled to adopt this policy for reasons of expediency, fiscal judiciousness, and to improve the efficacy of the decisions produced by the Council.

By directing the Council's attention to the most locally germane issues, it is the Council's intention to improve its responsiveness to the citizenry of San Jose in terms of swiftness, accountability, sensitivity, and by having additional study time for local problems.

The basic criteria for resolutions are:

1. The primary purpose of the resolution must be to give special recognition to local issues, actions, and/or programs of value to the citizens of San Jose.
2. The resolution must address an item which has either civic, cultural, social, economic, philosophical, philanthropic, or educational value.
3. The essence of the resolution must not have a philosophy that:
  - a. Dehumanizes, degrades, or ridicules any segment of humanity.
  - b. Advocates the violent overthrow of any of the levels of U.S. government.

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4. The group or individual receiving the resolution must not have a philosophy that:
  - a. Dehumanizes, degrades, or ridicules any segment of humanity.
  - b. Advocates the violent overthrow of any of the levels of U.S. government.
5. The resolution must be in keeping with the U.S. Constitution, the California State Constitution, the San Jose Municipal Code, and the various laws passed pursuant to those instruments.

It is further the policy of the Council of the City of San Jose that it shall not act or take a position on:

1. Matters concerning the foreign policy of the United States of America nor its relationship to other countries of the world except at the expressed request of an elected official of the federal government or an authorized representative of a department or agency of the federal government, except those matters directly affecting the City and citizenry of San Jose.
2. Acts of the Legislative or Executive branches of the federal government or government of the State of California when such do not affect the existing or potential resources, material or human, of the City of San Jose which may be directly applied to the solution of municipal problems relating to the health, safety and welfare of the citizens of this city.
3. Actions or lack of action on the part of any State of the Union other than the State of California or of any political subdivision of such other State when no impact is felt upon the government of the City of San Jose.
4. Actions or lack of actions on the part of the Judicial Branch of any government or any of its members except through its attorney acting in accordance with appropriate procedures, except those matters directly affecting the City and citizenry of San Jose.

This policy is not intended to limit the prerogative of members of the City Council to place before the City Council any question which they deem to be appropriate for consideration, nor is it intended to limit debate on issues which meet the above criteria.